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8 **BEFORE THE**  
9 **DEPARTMENT OF CONSUMER AFFAIRS**  
10 **BUREAU OF VOCATIONAL NURSING AND PSYCHIATRIC TECHNICIANS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. VN-2005-2145

13 HANNAH VITUALLA BAUMAN  
11861 Peach Tree Circle  
14 Yucaipa, CA 92399

**ACCUSATION**

15 Vocational Nurse License No. VN 207799

Respondent.

16 Complainant alleges:

17 PARTIES

18 1. Teresa Bello-Jones, J.D., M.S.N., R.N. (Complainant) brings this  
19 Accusation solely in her official capacity as the Executive Officer of the Bureau of Vocational  
20 Nursing and Psychiatric Technicians (Bureau).

21 2. On or about January 20, 2004, the Bureau issued Vocational Nurse  
22 License Number VN 207799 to Hannah Vitualla Bauman (Respondent). The Vocational Nurse  
23 License was in full force and effect at all times relevant to the charges brought herein and will  
24 expire on February 28, 2010, unless renewed.

25 JURISDICTION

26 3. This Accusation is brought before the Bureau of Vocational Nursing and  
27 Psychiatric Technicians under the authority of the following laws. All section references are to  
28 the Business and Professions Code unless otherwise indicated.

1                   4.     Code section 101.1, subdivision (b), states:

2                   (1)     In the event that any board, as defined in Section 477, becomes  
3                   inoperative or is repealed in accordance with the act that added this section, or by  
4                   subsequent acts, the Department of Consumer Affairs shall succeed to and is  
                  vested with all the duties, powers, purposes, responsibilities and jurisdiction not  
                  otherwise repealed or made inoperative of that board and its executive officer.

5                   (2)     Any provision of existing law that provides for the appointment of  
6                   board members and specifies the qualifications and tenure of board members shall  
7                   not be implemented and shall have no force or effect while that board is  
                  inoperative or repealed. Every reference to the inoperative or repealed board, as  
                  defined in Section 477, shall be deemed to be a reference to the department.

8                   5.     Code section 477 states:

9                   "As used in this division:

10                  (a)     "Board" includes "bureau," "commission," "committee,"  
11                  "department," "division," "examining committee," "program," and "agency."

12                  (b)     "License" includes certificate, registration or other means to engage  
                  in a business or profession regulated by this code."

13                  6.     Section 2875 of the Business and Professions Code (Code) provides, in  
14                  pertinent part, that the Bureau of Vocational Nursing and Psychiatric Technicians (Bureau) may  
15                  discipline the holder of a vocational nurse license for any reason provided in Article 3  
16                  (commencing with section 2875) of the Vocational Nursing Practice Act.

17                  7.     Section 2878 of the Code states:

18                  "The Bureau may suspend or revoke a license issued under this chapter [the  
19                  Vocational Nursing Practice Act (Bus. & Prof. Code, 2840, et seq.)) for any of the following:

20                  "(a) Unprofessional conduct, which includes, but is not limited to, the following:

21                  (1) Incompetence, or gross negligence in carrying out usual nursing functions.

22                  ...

23                  "(j) The commission of any act involving dishonesty, when that action is related  
24                  to the duties and functions of the licensee.

25                  ..."

26                  8.     California Code of Regulations, title 16, section 2518.6, states, in pertinent  
27                  part:

28                  "(a) A licensed vocational nurse shall safeguard patients'/clients' health and



1 safety by actions that include but are not limited to the following:

2 . . .  
3 (2) Documenting patient/client care in accordance with the standards of the  
4 profession;

5 . . . .”

6 9. California Code of Regulations, title 16, section 2519, states:

7 "As set forth in Section 2878 of the Code, gross negligence is deemed  
8 unprofessional conduct and is a ground for disciplinary action. As used in Section 2878 'gross  
9 negligence' means a substantial departure from the standard of care which, under similar  
10 circumstances, would have ordinarily been exercised by a competent licensed vocational nurse,  
11 and which has or could have resulted in harm to the consumer. An exercise of so slight a degree  
12 of care as to justify the belief that there was a conscious disregard or indifference for the health,  
13 safety, or welfare of the consumer shall be considered a substantial departure from the above  
14 standard of care."

15 10. California Code of Regulations, title 16, section 2520, states:

16 "As set forth in Section 2878 of the Code, incompetence is deemed unprofessional  
17 conduct and is a ground for disciplinary action. As used in Section 2878 'incompetence' means  
18 the lack of possession of and the failure to exercise that degree of learning, skill, care and  
19 experience ordinarily possessed and exercised by responsible licensed vocational nurses."

20 11. Section 118, subdivision (b), of the Code provides that the expiration of a  
21 license shall not deprive the Bureau of jurisdiction to proceed with a disciplinary action during  
22 the period within which the license may be renewed, restored, reissued or reinstated.

### 23 Cost Recovery

24 12. Section 125.3 of the Code provides, in pertinent part, that the Bureau may  
25 request the administrative law judge to direct a licentiate found to have committed a violation or  
26 violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation  
27 and enforcement of the case.

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1 FIRST CAUSE FOR DISCIPLINE

2 (Unprofessional Conduct: Incompetence/Gross Negligence)

3 13. Respondent is subject to disciplinary action under section 2878,  
4 subdivision (a)(1), on the grounds of unprofessional conduct, in that Respondent's conduct was  
5 incompetent and/or grossly negligent within the meaning of California Code of Regulations, title  
6 16, sections 2519 and 2520, in that while employed as a Licensed Vocational Nurse at Redlands  
7 Community Hospital, Respondent failed to exercise the ordinary care or precaution expected of a  
8 reasonably prudent Licensed Vocational Nurse, which she knew or should have known could  
9 jeopardize the patient's health or life as follows:

10 A. On or about March 31, 2006, Respondent was assigned to provide one-to-  
11 one patient care to a mentally unstable patient, who had been exhibiting signs of suicidal  
12 tendencies. A one-to-one assignment means the licensee must be within arms reach of the  
13 patient. Approximately 45 minutes to one hour after being assigned to the patient, Respondent  
14 went to lunch, without notifying her charge nurse or handing the patient over to another staff  
15 member. Within minutes of being left unattended, the patient entered the dining area and  
16 attempted suicide by hanging herself. The patient was transferred to the hospital's ICU, where  
17 she died several days later.

18 B. In the nursing notes dated March 31, 2006, Respondent misrepresented  
19 that she handed off the patient to another staff member before going to lunch, when in fact she  
20 did not. On or about November 15, 2006, Respondent admitted that she misrepresented in the  
21 nursing notes that she handed the patient off to another mental health worker.

22 SECOND CAUSE FOR DISCIPLINE

23 (Dishonest Act)

24 14. Respondent is subject to disciplinary action under section 2878,  
25 subdivision (j), in conjunction with California Code of Regulations section 2518.6, on grounds of  
26 unprofessional conduct, in that Respondent misrepresented in the nursing notes that she handed  
27 off the patient to another mental health worker, as more fully set forth above in paragraph 13,  
28 subparagraph (B).

1 PRAYER

2 WHEREFORE, Complainant requests that a hearing be held on the matters herein  
3 alleged, and that following the hearing, the Bureau issue a decision:

4 1. Revoking or suspending Vocational Nurse License Number VN 207799,  
5 issued to Hannah Vitualla Bauman.

6 2. Ordering Hannah Vitualla Bauman to pay the Bureau the reasonable costs  
7 of the investigation and enforcement of this case, pursuant to Business and Professions Code  
8 section 125.3;

9 3. Taking such other and further action as deemed necessary and proper.

10 DATED: September 17, 2008

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TERESA BELLO-JONES, J.D., M.S.N., R.N.

Executive officer

Bureau of Vocational Nursing and Psychiatric Technicians

Department of Consumer Affairs

State of California

Complainant

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